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February 23, 1983

Ms. Edna May Cate, Secretary
Board of Barbering and Cosmetology
Hazen Drive
Concord, New Hampshire 03301

Dear Ms. Cate:

By memo dated January 25, 1983, you requested an opinion from our office on the following two questions:

1. May a licensed hairdresser perform services in a private nursing home and receive payment for his/her services?
2. May a licensed cosmetologist perform services in a county correctional institution and receive payment for his/her services?

It is our opinion that a licensed cosmetologist may perform, and receive payment for, cosmetology services rendered in private nursing homes and county correctional facilities.

In both of the situations described, the individual performing the services is a licensed cosmetologist. RSA 313-A, the chapter covering the licensing and regulation of barbers and cosmetologists, contains no provision which would bar a licensed cosmetologist from providing services in a private nursing home or a county correctional facility and collecting a fee for those services. Provided the cosmetologist has a valid license as required by RSA 313-A:8 and abides by the rules of the board concerning sanitation, BAR 706, and safety, BAR 707, he or she must be allowed to so practice.

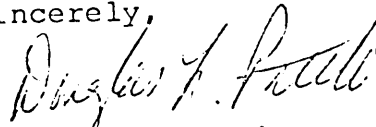
RSA 313-A:23, II(c), which provides an exemption from the provisions of the chapter for persons "engaged in the practice



of cosmetology in a charitable or benevolent institution, where such practice is carried on solely for the benefit of residents of such institution," is meant to provide an exemption from the licensing requirements of the chapter for a person who meets the qualifications of that provision. It thus does not apply to an individual already licensed as a cosmetologist.

I trust this has been responsive to your questions. Please let me know if I can be of any further assistance.

Sincerely,



Douglas L. Patch
Assistant Attorney General
Division of Legal Counsel

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